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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,135	11/14/2000	Pradeep Javangula	50269-0503	3533

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EXAMINER

JACKSON, ANDRE L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,135

Applicant(s)

JAVANGULA ET AL.

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: On page 23, line 7, reference numeral "506" (first occurrence) should be changed to -- 306 --. Appropriate correction is required.

Claim Objections

Claims 16 and 18 objected to because of the following informalities: On lines 2 and 4 of claims 16 and 18 respectively, "or" is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10-22, 24-36 and 38-44 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,512,919 to Ogasawara. Ogasawara discloses an electronic shopping system for processing electronic transaction comprising a store server (10) or remote server (26), wherein input to initiate sequences cause one of the above servers to execute the steps of receiving from a wireless telephone (18) first order data (defined by receipt of a telephone call from the wireless telephone and downloading of an appropriate purchase transaction program to the wireless telephone) for an order/transaction and device identification data (col. 6, line 12-31),

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wherein the first order data element includes less than a minimum set of data required by a merchant/store to completely process the order/transaction and the device identification data (wireless phone number) identifies the wireless telephone (col. 6, lines 35-40); retrieving, based upon device identification data, at least one data item (col. 6, lines 62-64) that is not contained in the first order data, but that is required to completely process the order; generating, based upon first order data and the one data item, second order data (col. 7, lines 8-11) that includes the minimum set of data required by the merchant/store for processing.

Referring to claims, 2-8, 10, 16-22, 24, 30-36 and 38, Ogasawara discloses further that the purchase transaction program requests a password synonymous with a personal identification number which is authenticated or verified (col. 7, lines 1-8). As cited above, customer identification data is retrieved from a database within the store or remote server upon obtaining the customer's phone number of the wireless phone during transmission of the first order data. Order fulfillment or product information needed to fulfill an order is received by the customer's wireless phone along with pricing or billing information when coded information is sent to the server via the wireless phone (col. 6, lines 46-57). Further, within a customer's information database (50), shipping information is stored (col. 9, lines 9-14).

Referring to claims 11, 13, 14, 25, 27, 28, 39, 41 and 42 Ogasawara discloses the communication link transmitting data from the customer's mobile device is a radio signal or wireless medium (col. 11, lines 45-57). In a second embodiment, Ogasawara provides a PDA or videophone (218), which can be considered as a mobile computer (col. 15, lines 63-67 and col. 16, lines 1-12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 23 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of USPN 6,026,375 to Hall et al. Ogasawara discloses a shopping application program which facilitates the receiving and processing of product selections made by a customer/purchaser via the wireless telephone as discussed above, but Ogasawara fails to disclose a condition where the purchase transaction program cannot process an order/transaction, as a result, the second order data is provided to a second merchant (transaction program) for processing. Hall et al teaches a system for processing an order from a mobile customer (100), the system comprises a component for receiving an order from a customer's mobile device (105), where the order includes customer identifying information; another component (150) for identifying facilities (172, 174, 176) capable of completing the order; a component (360, 376) determining a desired time of completion of the order and which facility is capable of completing the order within a predetermined time as desired by the customer. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the electronic shopping system of Ogasawara to include the order processing system as taught by Hall et al to provide an improved electronic shopping system providing order/transaction of product(s) through a plurality of networking merchants/transaction programs/sellers for the

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purpose of assuring availability and/or readiness of an order/transaction as requested by a customer, where customer satisfaction is upheld and customer inconvenience is eliminated.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In particular, Geiger et al, Mosher et al, Reber et al and Treyz et al disclose various system utilizing a wireless medium to perform transactions via a mobile device to interact with an electronic platform system of a seller/merchant/buyer to obtain products. These references can be used in combination to anticipate applicant's claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Anthony Knight can be reached on (703) 308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

ALJ
May 28, 2003

André L. Jackson
Patent Examiner
AU 3677



Anthony Knight
Supervisory Patent Examiner
Group 3600